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17 **UNITED STATES DISTRICT COURT**

18 **DISTRICT OF NEVADA**

19 ADHERENCE d/b/a of MORISKY
20 MEDICATION ADHERENCE RESEARCH
21 LLC, a Nevada limited liability company,

22 Plaintiff,

23 v.

24 CVS PHARMACY, INC., a Rhode Island
25 corporation; and ASEMBIA, LLC, a Delaware
26 limited liability company,

27 Defendants.
28

Case No. 2:24-cv-01590-JCM-NJK

**DEFENDANT ASEMBIA LLC'S
MOTION TO FILE UNDER SEAL
PORTIONS OF ITS MOTION FOR
SUMMARY JUDGMENT**

1 Pursuant to Fed. R. Civ. P. 5.2 and LR IA 10-5, Defendants CVS Pharmacy, Inc. (“CVS”)
2 and Asembia, LLC (“Asembia”, collectively “Defendants”), by and through its counsel of record,
3 respectfully requests leave to file under seal, at least temporarily, its Motion for Summary Judgment
4 (the “Motion”), including the Memorandum of Points and Authorities in Support Thereof, the
5 Declaration of Jennifer Insley-Pruitt, and Exhibits 1-60 (“Subject Exhibits”) and the portions of the
6 those documents that directly quote from, or summarize the contents of, the Subject Exhibits.

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8 Under Federal Rule of Civil Procedure 5.2(d), “[t]he court may order that a filing be made
9 under seal without redaction. The court may later unseal the filing or order the person who made
10 the filing to fil a redacted version for the public record.” A party seeking to seal documents in
11 support of a non-dispositive motion must show “good cause” exists to seal the document in question.
12 *Kamakana v. City & County of Honolulu*, 447 F.3d 1172, 1179-80 (9th Cir. 2006).

13 The Stipulated Protective Order (Dkt. No. 60) and the Court’s May 20, 2025 Order (Dkt.
14 No. 61) govern the use and disclosure of confidential information in this case, including the filing
15 of confidential information with Court. Paragraph 5 of the Stipulated Protective Order states that
16 “[a] person or entity who produces information, documents, or other materials may designate them
17 as CONFIDENTIAL when they in good faith believe the information, documents, or materials
18 contains nonpublic proprietary confidential technical, scientific, financial, or business information.”
19 Dkt. No. 60 at 2.

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21 Asembia submits this sealing request solely because Plaintiff Adherence, has designated
22 the Subject Exhibits as Confidential under Paragraph 5 of the Stipulated Protective Order. The
23 Motion and accompanying documents summarize and quote these materials. Pursuant to the
24 Court’s May 20, 2025 Order, “[a]ll motions to seal must address the applicable standard and explain
25 why that standard has been met . . . If the sole ground for a motion to seal is that the opposing party
26 (or non-party) has designated a document as confidential, the designator shall file (within seven
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1 days of the filing of the motion to seal) either (1) a declaration establishing sufficient justification
2 for sealing each document at issue or (2) a notice of withdrawal of the designation(s) and consent
3 to unsealing.” Dkt. No. 61 at 2.

4 In accordance with the requirements of the Stipulated Protective Order, and consistent with
5 the provisions of LR IA 10-5, Asembia requests that the Court allow the temporary sealing of the
6 Counterclaims and Subject Exhibits for the reasons set forth above.

7
8 Dated: July 15, 2025.

9 DECHERT LLP

10 By: /s/ Chad R. Fears

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25 *Attorneys for Defendants CVS Pharmacy, Inc.*
26 *and Asembia, LLC*

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of **DEFENDANT ASEMBIA LLC'S MOTION TO FILE UNDER SEAL PORTIONS OF ITS MOTION FOR SUMMARY JUDGMENT** was served on counsel of record this 15th day of July 2025, via the Court's CM/ECF System.

/s/ Faith Radford

An Employee of Evans Fears Schuttert
McNulty Mickus